



2135
PATENTS
ADM-26A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Theodore Simon et al.
Application No. : 09/805,696 Confirmation No. : 4493
Filed : March 13, 2001
For : INTEGRATED SECURITY AND COMMUNICATIONS
SYSTEM WITH SECURE COMMUNICATIONS LINK
Group Art Unit : 2135
Examiner : Lihn L.D. Son

RECEIVED

DEC 14 2004

Technology Center 2100

New York, New York 10020
December 9, 2004

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST UNDER 37 C.F.R. §§ 1.36 AND
10.40 TO WITHDRAW FROM REPRESENTATION

Sir:

Pursuant to 37 C.F.R. §§ 1.36 and 10.40, the undersigned attorney of record hereby requests on his own behalf and on behalf of Robert R. Jackson, Reg. No. 26,183, the other attorney of record, for permission to withdraw from representation of applicants in the above-identified patent application.

Each of the three applicants of the above-identified patent application -- Theodore Simon, Scott H. Simon and Peter Axelsen, signed a power of attorney appointing the undersigned and Mr. Jackson for the purpose of prosecuting the above-identified patent application. Of those three individuals, Messrs. Theodore Simon and Scott H. Simon assigned their interest in the above-identified patent application to Pittway Corporation (a subsidiary of

Honeywell International Inc.), client of the undersigned and Mr. Jackson. The third inventor, Mr. Axelsen was an outside consultant to assignee and did not assign his interest in the application.

On September 7, 2004, the Patent and Trademark Office issued an Office Action rejecting the above-identified patent application. Pittway Corporation has instructed that the above-identified patent application be abandoned by not replying to the Office Action. On September 10, 2004, the undersigned forwarded the Office Action to Pittway Corporation by letter and, by copy of that letter, advised Mr. Axelsen of the Office Action. On October 28, 2004, the undersigned sent the Office Action to Mr. Axelsen and advised him of his right to continue prosecution at his own expense. To date, there has been no reply from Mr. Axelsen.*

The undersigned and Mr. Jackson have been instructed by their client -- assignee of two of the three inventors -- to abandon the above-identified patent application. The third inventor, Mr. Axelsen, who has appointed the undersigned and Mr. Jackson his attorneys for purposes of the above-identified patent application (but is not otherwise a client of the undersigned or Mr. Jackson, and is not the party that has been paying the undersigned's bills), has not given any instructions. The undersigned and Mr. Jackson thus face a situation where (a) the interests of two of the applicants (the two Messrs. Simon, as represented by their assignee) may be diverging from those of the third applicant (Mr. Axelsen), and (b) they are unable to obtain instructions from the third applicant.

Therefore, at the very least, the situation is one where it has become "unreasonably difficult for the practitioner to carry out the employment effectively" (37 C.F.R. § 10.40(c)(1)(iv))

* Since the filing of the above-identified patent application, communication with Mr. Axelsen has been, at best, difficult.

For the reasons set forth above, and for any other good cause that the Patent and Trademark Office may find under the foregoing facts (37 C.F.R. § 10.40(c)(6)), the undersigned attorney of record respectfully requests on his own behalf and on behalf of Mr. Jackson that this Request be granted, and that the Patent and Trademark Office direct all future correspondence to Mr. Axelsen at the following address:

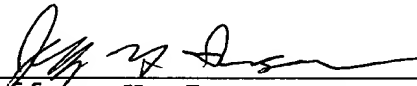
Mr. Peter Axelsen
10 Mayflower Court
Centerport, New York 11721
Tel.: 631.425.9731

The undersigned is concurrently sending to Mr. Axelsen a complete copy of the file of the above-identified patent application. Almost three months remain (including all extensions) to reply to the aforementioned Office Action. Accordingly, Mr. Axelsen's rights will not be prejudiced by the granting of this Request. The other applicants (through their assignee) have requested that the application be abandoned, and accordingly their rights also would not be prejudiced by the granting of this Request. (37 C.F.R. § 10.40(a); MPEP § 402.06.)

The undersigned attorney of record states that he is authorized to sign this Request on behalf of Robert R. Jackson, Reg. No. 26,183, the other attorney of record.

An early and favorable action is respectfully requested.

Respectfully submitted,



Jeffrey H. Ingerman
Reg. No. 31,069
Attorney for Applicants
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000